

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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CHRISTOPHER J. WILLING,

Case No. 2:14-cv-1122-APG-PAL

Plaintiff,

ORDER

v.

DEPUTY ARMS et al.,

Defendants.

I. DISCUSSION

On September 23, 2014, this Court entered a screening order dismissing a portion of Plaintiff's deliberate indifference claim with leave to amend and permitted a portion of the deliberate indifference claim to proceed. (Dkt. #5 at 8). The Court granted Plaintiff 30 days to amend his complaint. (*Id.*). The Court also granted Plaintiff's application to proceed *in forma pauperis*. (*Id.* at 7).

On October 7, 2014, this Court issued an order denying Plaintiff's motion for preliminary injunction. (Dkt. #10 at 2). On October 14, 2014, Plaintiff filed a notice of appeal as to the denial of the motion for preliminary injunction. (Dkt. #11). On January 13, 2015, the Ninth Circuit Court of Appeals entered an order affirming this Court's order denying preliminary injunctive relief. (Dkt. #21 at 2).

On January 26, 2015, this Court issued an order granting Plaintiff 30 days from the date of that order to file an amended complaint to cure the deficiencies of his deliberate indifference claim as stated in this Court's September 23, 2014 screening order. (Dkt. #23 at 2). The Court informed Plaintiff that if he did not file an amended complaint, the action would proceed only on the deliberate indifference claim against Defendants Arms, Nye County Detention, and Health Care Partners. (*Id.*). The thirty days have passed and Plaintiff has not filed an amended complaint. As such, this

1 action shall proceed on the deliberate indifference claim against Defendants Arms, Nye
2 County Detention, and Health Care Partners only.

3 **II. CONCLUSION**

4 For the foregoing reasons, **IT IS ORDERED** that, pursuant to this Court's
5 September 23, 2014 screening order, Plaintiff's deliberate indifference claim shall
6 proceed against Defendants Arms, Nye County Detention, and Health Care Partners.

7 **IT IS FURTHER ORDERED** that, pursuant to this Court's September 23, 2014,
8 screening order, Plaintiff's deliberate indifference claim is dismissed against Defendants
9 Martinez and Medina for failure to state a claim.

10 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ISSUE** summonses
11 for Defendants Arms, Nye County Detention, and Health Care Partners, **AND DELIVER**
12 **THE SAME**, along with the complaint (Dkt. #6), to the U.S. Marshal for service. The
13 Clerk also **SHALL SEND** to Plaintiff **three (3)** USM-285 forms, one copy of the
14 complaint and a copy of this order. Plaintiff shall have **thirty (30) days** within which to
15 furnish to the U.S. Marshal the required USM-285 forms with relevant information as to
16 each defendant on each form. Within **twenty (20) days** after receiving from the U.S.
17 Marshal a copy of the USM-285 forms showing whether service has been
18 accomplished, Plaintiff must file a notice with the Court identifying which Defendants
19 were served and which were not served, if any. If Plaintiff wishes to have service again
20 attempted on an unserved defendant(s), then a motion must be filed with the Court
21 identifying the unserved defendant(s) and specifying a more detailed name and/or
22 address for said defendant(s), or whether some other manner of service should be
23 attempted.

24 **IT IS FURTHER ORDERED** that henceforth, Plaintiff shall serve upon
25 defendants or, if appearance has been entered by counsel, upon the attorney(s), a copy
26 of every pleading, motion or other document submitted for consideration by the Court.
27 Plaintiff shall include with the original paper submitted for filing a certificate stating the
28 date that a true and correct copy of the document was mailed to the defendants or

1 counsel for the defendants. The Court may disregard any paper received by a district
2 judge or magistrate judge which has not been filed with the clerk, and any paper
3 received by a district judge, magistrate judge or the clerk which fails to include a
4 certificate of service.

5 Dated: March 3, 2015.

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7 UNITED STATES DISTRICT JUDGE

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